NORTHERN SECURITIES REPLY

DENIES THAT STOCKHOLDING VIOLATES ANTI-TRUST LAW.

was Not Organized to Control Railway Rates and Cannot -A Lawful Corporation and Has Made a Lawful Purchase Should Have Been 1,300 Defendants.

The answer of the Northern Securities Company in the suit brought by the United states to test its legal status was filed yesterday in the Circuit Court of the United states for the District of Minnesota.

The Government's complaint accused the Northern Securities Company, the Great Northern Railway and the Northern Pacific Railroad Company of being parties a combination in violation of the Anti-Trust and Interstate Commerce laws. James J. Hill, W. C. Clough, D. Willis James, John Kennedy, J. Pierpont Morgan, Robert Bacon, George F. Baker and Daniel S. Lamont were made qurties defendant.

In the answer the defendants deny that he persons named in the bill as controlling owners of Great Northern and Northern Pacific ever owned or controlled as much s one-third of the stocks of each road. They say that these holdings also were separate and individual and controlled y no obligations but individual interests. It is admitted that James J. Hill and

other holders of Great Northern stock (not exceeding ten in number) did plan the organization of the Northern Securities company with a capital of \$400,000,000, and shareholders of the Northern Pacific and Great Northern have sold to the Northern Securities Company a majority of Northern Pacific and Great Northern stocks. but it is averred that this sale was not by any agreement among said stockholders, but as a sale by individuals, and that the Great Northern Securities Company is simply a stockholder, while the roads are managed as they were before and by the same boards. All allegations of conspiracy or combina-tion are denied, and it is stated that no consolidation has been effected or is

It is stated that the Northern Securities Company has already bought and had transferred to itself five-twelfths of the stock of the Great Northern Company, and has four-twelfths more of the stock of and has four-twelftns more of the stock of the Great Northern Company which has so yet been formally transferred. On this it cannot yet vote. It bought from individual owners solely, and it denies hat these owners had any agreement

The Northern Securities Company has not The Northern Securities Company has not until for all the stock of the Great Northern Pacific Company and of the Northern Pacific Company acquired by it, in shares of its own stock, but, on the contrary, has expended loward of \$40,000,000 cash in the making of the Great Northern Company and the Northern Pacific outpany acquired by this defendant has been ud so increase. y d so loag as it remains the property of this def a da at will continue to be, held and owned by it in its own right, and not under any greenent, promise or understanding on 1 s part, or on the part of its stockholders or officers.

There is no agreement or understanding which the shares of the Great Northern the Northern Pacific roads so held are o be held, used or voted for the purpos combining or consolidating, or placing der one common control the two railroads named.

the explanation of the joint purchase of the Chicago, Burlington and Quincy lines by the Great Northern, and the Northern Pacific Railroad companies this statement

In the interstate and international com-merce which the Great Northern Company has built up it competes both in this country and on the ocean with the other transcon-tinental lines (including the Canadian Pacific) and at the Oriental ports it competes for commerce of the world. Its rates are and must be made in competition with the rates of ocean carriers and by way of the Suez

must be made in competition with the rates of ocean carriers and by way of the Suez and The policy followed by the Great Northern Company in building up an interactional and thereby interstate, commerce has been followed by the Northern Pacific commun, since its reorganization in 1896. It creating and maintaining this competitive interstate and international competitive interstate and placed at a disadvantage with the oth r transcontinental railways, as well exactly the competitions, by the want of sufficient direct competitions, by the want of sufficient direct connection with the territory ag the best markets for the products e country along their lines, and with bees of production and great centres submitted from which their traffic must

y months before the purchase of of meninguous spares, they had considered the statements of getting closer to such markets ad sources of supply. The lines of the Burngton, better than those of any other company, fulfilled the requirements of both the rest Northern Company and the Northern acids Company in respect of markets for stbound and freight for westbound traffic. The price paid for the Burlington stock as lower per mile of main track covered

by the capital stock, than that for which the stock of any other large and well estab-lished system in the same general terri-tory could have been bought. In this purchase, it is alleged, there was no pur-rose to lessen any competition of the Bur-ington lines with those of either of the purchasers-for they are not competitive-or to lessen any competition between the purchasers. Nor was the purchase of the Burlington made with a view of forming the Northern Securities Company
It was not contemplated by either purchasing company, at the time of the pur-chase, that any alliance between the purhasing companies was needed to preserve each company its fair share of the ad vantages secured by the purchase. The attempt made by the Union Pacific interests to get control of the Northern Pacific road, however, caused a change acific road, however, caused a change of the plans of the organizers of the Nor-bern Securities Company, and the Morganinterests determined to concentrate of their Northern Pacific—Great Northern holdings in the new holding company. They afterward decided to take the stock

of other holders who chose to sell. The Northern Securities Company has assued its own Northern Securities stock in good faith, every share to be voted as the wher sees fit and with no understanding the contrary. It is held by some 1,30 to the contrary, holders. The or the contrary. It is held by some 1,300 holders. The organizers never held or controlled a third of the amount now outstanding, and the company was not organized to evade the Anti-Trust act or any other law. No monopoly can follow from its formation. In fact a reduction of rates on Great Northern and Northern Pacific to the amount of a million a year have followed.

For all interstate commerce on the lines of either of the defendant railway companies except traffic beginning and ending on their own lines respectively the rates are fixed by don't tariffs with connecting lines. In respect to all such traffic neither of the defendant (railway) companies has ever had of can have any independent rates all joint pariffs with other companies to or from points cannon to the lines of the defendant railway ompanies have always been, and necessarily

must be, the same, whether the traffic is carried by one or the other of said companies. he total amount of all other interstate traffic, that is, traffic between common points on the two roads, which is not competitive both as to rates and quality of service with other carriers having equal rate-making power with them, is less than 2 per cent. of the total interstate traffic of the two companies. The answer goes on to say:

The sale and transfer of property, whether in the form of shares or corporate stock or otherwise, has never been adjudged to be and is not, in violation of the act of Congress of July 2, 1890, known as the "Anti-Trust."

of July 2, 1880, known as the "Anti-Trust Act"

This defendant is not a railroad company, and it has no power to operate or manage railways or make or control rates of transportation, nor to monopolize or restrain traffic of any kind. So far from intending to violate any provision of said act of Congress, the persons who were concerned in organizing this defendant and those who have sold their shares to it, had every reason to believe, and did believe, that such sales were not in any way in contravention of that act. In common with the general public they were aware, that during the eleven years since the passage of that act, in many instances the stock of a competing railway company has been acquired by its competitor, or the shareholders thereof; such acquisition including many of the principal railway doing business turoughout the country. This has been done without objection from any branch of the Government of the United States, and has invariably proten beneficial to the railway companies concerned, and to the public; and those making sales of stocks to the defendant had no reason to bedeve that such sales were open to any legal objection or question whatever

This defendant was not organized for the purpose of acquiring a majority of the stock of either the Great Northern or the Northern Pacific Company, but merely to purchase the stock of those who wished to sell, as above stated and was not organized for the purpose of open to any legal objection, and the purpose of open to any legal objection or the stock of either the Great Northern or the Northern Pacific Company, but merely to purchase the stock of those who wished to sell, as above stated and was not organized for the purpose of open to find the organization, and the purpose of open to defend the organization, and the purpose of open to defend the organization of this defendant and in the conduct of its business have been expressly authorized by law, and have laad no effect whatever to restrain trade or commerce among the several States or with lo This defendant is not a railroad company.

It is set up that the Anti-Trust act was not intended to prevent or defeat an en-terprise organized in aid of a great competitive, interstate and international commerce merely because such enterprise may carry with it the possibility of incidental restraint upon some commerce, trifling both as respects territory and volume; nor was the act intended to limit the power of the several States to create corporations and define their purposes and scope. Otherwise construed it is contended that the Anti-Trust act would be uncon-

foreign nations and among the States does not give Congress the power to regu-late any of the matters above mentioned in respect to corporations created by the States; and because persons may not be deprived of their property without due process of law by taking from them the right to sell it, as their interest may sug

In conclusion this point is made: There is a defect of necessary parties de-endant, because, as already set forth, the sersons who made sales of stock of the said ailway computates to this defendant were numerous, exceeding more than 1,300 in number, and few of them had any connection ing their rights in the premises

CAPT. FOODY DIDN'T WINK, He Says. When He Ordered His Men to

Watch for Excise Violations. Capt. Michael E. Foody of the West Thirty-seventh street station took the stand in his defence when his trial on four separate charges was resumed before Commissioner Partridge vesterday.

He testified that he had repeatedly ordered lations and that his orders had not been given with a wink. He said he had made personal tour of his precinct on three of the law.

rests-fifty-nine in three months-as a ever received a cent from any man for come from Jersey City. corrupt purposes or promised immunity to any one

Jerome, he said the place of Christensen, Vice-President of the Liquor Dealers' Association, was a "thieves' den," but when asked if he carried it on his list of suspicious places his memory failed him.

There were no gambling nouses of prooms in his precinct, he said.

Inspector Harley went on the stand to testify that he had never received any to testify that he had never received any complaints against Foody and that he regarded the Twentieth precinct as "very

"Do you have your own men look over that precinct?" was asked. "Oh, the captain is aware of what kind of work I am doing," replied the Inspector. "In other words," Mr. Jerome broke

in, "you take good care that you don't catch the cuptain?"

Mr. Olcott objected and the District Attorney denied that he meant to inti-mate that the Inspector was perjuring

Three sergeants and four roundsmen admitted that the rule requiring patrol-men to carry memorandum books was men to carry

Young Rockefeller to Inspect Chicago University.

CHICAGO, May 5 .- John D. Rockfeller, Jr., will arrive in the city to-morrow to visit the University of Chicago to study the deeds and conditions of the institution, which has been the recipient of some of his father's millions. He has expressed a desire that his time might not be taken in by social events of any kind. Students are wondering if this visit is not the forerunner

Burke's Beath by Auto Inavoldable.

Coroner Scholer yesterday discharged street, who was the driver of an automobile that knocked down and killed Patrick Burke on 199th street on April 15. The Coroner's jury found that Burke's death was due to 'unavoidable accident."

TITUS AND DELANEY DIFFER

AS TO PROSECUTION FOR MR. STEERS'S JEWELRY ROBBERY.

The Butler Says a Third Avenue Storekeeper Induced Him to Steal -Titus Would Arrest Storekeeper, but Capt. Delaney Insists He Be Used as a Witness

Evidences of a clash between Capt. Titus's detective bureau and Capt. Delaney of the East Thirty-fifth street station cropped out at the examination of Patrick Brannigan, the butler, and Joseph Walker, the ashcart driver, in the Yorkville police court yesterday on a charge of stealing \$15,700 worth of jewelry from the residence of Henry Steers of 10 East Thirty-eighth street. Central Office Men McCafferty and Price wanted a Third avenue storekeeper arrested and Capt. Delaney insisted that he be not arrested, but be used as a witness. Mr. Steers identified the jewelry in court

as his wife's property and said that two

solitaire diamond rings were missing. He

said he had employed Brannigan as a butler Brannigan dismissed the lawyer he had when he was arraigned on Saturday and said that he did not want a lawyer. On Saturday he pleaded not guilty and refused to make any statement when Capt Delaney asked him to do so. It was said that Detective Sergeant McCafferty had had a long talk with him since in his cell. Brannigan said yesterday that he wanted to make a statement. He said that Walker was innocent of any guilty complicity and that he himself had been induced to steal

keeper. He said: "I was in the store on Third avenue last December, and the storekeeper and I talked about how easy it was to dispose of stolen iewelry. He said it was easy to sell, as the police captains got a fee and did not interfere with those places. If I had any stolen jewelry, he said, he knew what to do with I met him several times since then, the always talked about stolen property and said he would dispose of it at any time I have been drinking for six months. I told him I could get jewelry, and he promised to dispose of it and make a fair split. so as not to arouse suspicion, he said, he would keep it for a year, but would pay me my share right away. I was induced

the property by a Third avenue store-

him to become a thief. "I sent the jewelry to the store last Tues-day by Walker. No one but the store-keeper and I knew what was in the parcel. Wednesday I went to the store and the man told me he had received the par-cel and would take the jewelry to his other-in-law. I went again Friday and saw the storekeeper. He said he took the stuff to the jeweller, sho said there were so many marks on it that he could not sell it. old me to come in and get it. I said ald send for it. Then I was arrested." resel called the storekeeper as a witness "Is be under arrest?" asked Henry W "Is he under arrest?" asked Hen ager, Walker's counsel. "He is not," answered Mr. Kresel.

"He is not," answered Mr. Kresel.
"In the name of conunon sense, why do you make him a witness for the people? You are burning your bridges," said Unger. The storekeeper was called, and said that Brannigan came to his store on April 19 and said he had some jewelry to sell. The storekeeper told him that if it was on the level he would sell it for him, and notified Core. Belancy When Brannigan fied Capt. Delaney. When Brannigar called on Friday he sent word to the cap

"Are there any proceedings against the storekeeper?" Walker's counsel asked the Magistrate. The latter said there were none before him.

DICONZA'S SLAYER CAUGHT. Mrs. Dicongs and Her Four Children Due Here From Naples To-morrow.

Dominick Melia of 546 Metropolitan avenue, Brooklyn, who is accused of fatally shooting Francisco Diconza of 540 Briggs avenue, Brooklyn, late on Sunday night, his men to be on the alert for excise vio- was arrested in Newark early Monday morning. He was locked up to await the issue of extradition papers. Melia formerly lived of the Sundays mentioned in the report ing the Brooklyn police, feeling that Melia and had failed to notice any violations would make for Newark, as he has a brother there, started four men out for that city. He pointed to his record of excise ar- The particulars were telephoned to the Newark police, who sent an officer down very good one and denied that he had the Plank road, on which the trolley cars

About 4 o'clock yesterday morning the car on which two of the Brooklyn Cross-examined by District Attorney officers, Policemen Reilly and Borns, were riding was signalled at the Plank road ording was signated at the Flank road bridge over the Passaic River. Melia got on and sat down, pretending to go to sleep. Before the car had regained headway Policeman McManus of Newark also got on. He and the Brooklyn officers conferred for a moment and then all three went forward to where Melia was sitting and arrested him. A short distance further and arrested him. A short distance further up the road Detectives Collins and Tracey of Newark got on the car. Melia protested that he did not know what he was tested that he did not know what he was being arrested for, but later he is reported to have said that he had a row with Diconza in a salcon, that they were both ejected and that they came to blows. What happened after that he said he did not know. Melia in his flight threw away the revolver. It was found yesterday at daybreak. The police learned that the shooting was preceded by a quarrel over cards. preceded by a quarrel over cards.
Diconza's wite and four small children
are on their way here from Italy. The
steamship on which they left Naples is due

Gift of Westchester Supervisors to Their Chairman.

Thirty-five men whose appearance gave indication that they are capable of distinguishing the difference between tiddledewinks and poker chips attended a banquet at Morello's last evening. They were the members of the Board of Supervisors of Westchester county, who had assembled to do honor to their chairman, Supervisor John M. Shinn of Pelham. They presented John M. Shinn of Pelham. They presented Chairman Shinn with a gold locket, studded with diamonds.

Onto River Packet Kanawha Sinks. PITTERGERG, May 5 - The Ohio River packet Kanawha went down at Davis Island dain, three miles west of Pittsburg. early this morning, but all the passengers escaped. The Kanawha ran against the wickets of the dam and punched a great hole in her bull. There were it passengers abound. All the merchandise in the boat

in damagest.

PARTRIDGE CONTRADICTS DADY. to Blackmail Evidence - Dady Sees the

Mayor -- Does No Work for His Salary. Col. Michael J. Dady called on Mayor Low yesterday and was with him half an When he came out he said that

they had discussed the weather. Then the Colonel said that he and Lieut.-Gov. Woodruff had received certain information in regard to the levying of blackmail, and that Mr. Woodruff had laid the facts before

Col. Partridge.
"The Mayor knew nothing about the

charges," said Col. Dady. Col. Dady said that he was going to get verbatim report of the statements which were made before Mayor Low in which he was mentioned as a man who could-for a consideration—get a dock for a steamship company. He said that the trouble was no direct charges had been made against him, and he could not tell what he would

"Are you going to resign as Commis-sioner of Elections?" "No," said Col. Dady, "I am not." He has said so before. He didn't go near the

Bureau of Elections yesterday. Commissioner Partridge denied positively yesterday that he had received any list of alleged blackmailers within the Police De-partment from Michael J. Dady or from Lieut.-Gov. Woodruff or from Mayor Low.

added the Commissioner, "it has been in the form of loose rumors that neither could be verified nor used as legal evidence. No direct complaint against any special person or group of persons has been placed before me."

The sum which Col. Dady says he was informed was being paid for certain police protection in this borough is \$30,000 a month or \$360,000 a year. Dady got his informa-tion, it is said, from the man who was paying the money. It went to six men names the man gave and he asked Dady to find out for him whether the money was reaching the right persons.

IN MRS. FOSTER'S MEMORY.

Progress of the Fund That Is Being Raised to Commemorate the "Tombs Angel."

Capt. F. Norton Goddard, as treasurer of the fund that is being raised to erect a suitable memorial in the Criminal Courts building to Mrs. Rebecca Salome Foster, the "Tombs Angel," has received nearly \$500 for that purpose. Capt. Goddard acknowledges these contributions:

acknowledges these contributions:
Eugene A Philbin, \$15: President Roosevelt, \$10: District Attorney William Travers Jerome, \$25: Mayor Low, \$25; Carl Fischer-Hansen, \$10: Mrs. Kichard T. Auchmuty, \$25; J. W. Clark, \$10: F. Kingsbury Curtin, \$5: William D. Guthrie, \$10: William H. Bonynge, \$10: Mrs. Francis C. Barlow, \$25: Thomas H. Hubbard, \$50: Wheeler H. Peckham, \$25: Mr and Mrs. F. L. Baylies, \$25: Miss Cicely Miller, \$2: F. G. Telfer, \$1: Walter Teskey, \$25: cents, "A Stranger," 10: cents. George J. Rives, \$10: Mrs. Frederick Billings, \$5: Francis Lynde Stet-on, \$25: B. Aymar \$5. Str. \$10: James C. Foley, \$5: James W. Francis Lynde Stet-on, 255, B. Aymar ds, \$10; James C. Foley, \$5, James W. ddy, Jr. \$5; Eli W. blake, \$15; Barclay ard, \$5, Mrs. Charles H. Ward, \$5, ob H. Schiff, \$50, Mrs. I. Blair Scribner, Joel Francis Freeman, \$10, H. A. F., cents, Harry Mayer, \$10.

Vernon M. Davis, former Assistant Dis trict Attorney, now President of the Society for the Prevention of Cruelty to Children in forwarding a subscription has written to Capt. Goddard: "It is true, indeed, that her most enduring monument will be built of the benedictions of those who remember her as their guardian angel Nevertheless will this memorial serve to call her to our mind as an example of a wise, self-sacrificing missionary."

BROKER'S CLERK ARRESTED.

Charged With Stealing General Carriage Stock From C. H. De Witt & Co. Frederick White, formerly a clerk for C. H. DeWitt & Co. stock brokers at the

Hoffman House, was arrested yesterday, charged with stealing 500 shares of General Carriage stock. White, it is alleged, left the firm's office without giving notice, two weeks ago, and about the same time the stock disappeared

morning as he was coming from a house on Tenth avenue, between Thirty-seventh and uirty-eighth streets. White is 22 years old and lives at 221 West eenth street. He was arraigned before distrate Pool in the Tombs, police

and remanded for forty-eight hours for examination. Last week the Headquarters police ar-sted Eugene Madden, who had sold 400 the shares said to have been stolen by

ite. He was discharged after confessing White gave him the stock to dispose The stock was sold in two parcels of 200 shares each for \$150 a parcel, to the Haight & Freese Co., brokers, with main office at 53 Broadway, and a branch office at Broadway and Twenty-eighth street

WORK OF THE SAILORS' FRIENDS. Things Done in Their Society's 74th Year -The Annual Meeting.

The American Seamen's Friend Society held its seventy-fourth anniversary yesterday afternoon in the Sailors' Home at 190 Cherry street, and the Rev. Dr. Stoddard, the President, Dr. D. Stewart, W. H. Moody, Chaplain S. D. Burrows, U. S. N.; Dr. Walter Laidlaw and Capt. Dollar, the chaplain of Sailors' Snug Harbor, described and eulogized its work. d. A. P. Ketchum, Samuel R. Rowland,

Col. A. P. Ketchum, Samuel R. Rowland, Frederick Sturges, David Gillespie, George Bell, William C. Sturges and Edgar L. Marston were elected trustees. The society's home during the sixty years of its existence has received 127,845 boarders, of which 780 were cared for last year.

of which as were cared for last year. Its receipts from legacies last year were \$11,-234 02, and its total income \$33,379.95. Dis-bursements were \$34,317.92. The society issued a special appeal yes-terday for funds to maintain its work in behalf of sailors in foreign and American

New City of Fulton Without Police Protection.

SYRACUSE. May 5.- All of the policemen who were appointed at the beginning of the new city government of Fulton have been told to hand in their resignations. The town is at present without police protection and it books as if it would be for a month and a ball. The difficulty is with a month and a half. The difficulty is with the civil service rules. The Board of Fire and Police Commissioners has decided that it had no right to appoint policemen unless they have preced the civil service examinations. It will be a treath before the State board will meet to pass upon Fulton's rules, and it with be necessary to haid examinations after that The same thing holds true in the fire department, but the city is producted by a voluntation service. ubliner activities

SAW FASSNACHT POISON BEER.

AFTER SAYING, "I'LL DRUG HIM." SAYS THIRD MANAT TABLE.

Delekler Had Enough Cyanide of Potassium in His Glass to Kill Five Elephants, Declares Physician - Damaging Testimony Against Man Accused of Murder

Harry Fassnacht was arraigned before Magistrate Watson in the Ewen street police court yesterday on the charge of murdering Emil Deickler, the cigarmaker who died in John Busch's saloon at 94 Cedar street. Williamsburg, after drinking a glass of beer into which cyanide of potassium had been put. George Boyce, aged 17, who lives at 1277 De Kalb avenue, was arraigned at the same time on a similar charge.

He was with Fassnacht when they met Deickler in a saloon late on Saturday night and Deickler won all of Fassnacht's money throwing dice.

Benjamin Newman, a saloonkeeper 1258 Myrtle avenue, whose saloon the three men also visited on Saturday night, testified yesterday that a week ago Fassnacht while in his place took from a waistcoat pocket a small whitish lump and said: "This s the stuff that will 'do' anybody."

Boyce told Magistrate Watson that while he, Fassnacht and Deickler were in Busch's saloon Fassnacht whispered to him: going to drug the —— and get back my money." Boyce added that he saw Fasshacht drop something into Deickler's beer, but did not know what it was. Saloonkeeper Busch told how he had seen

Saloonkeeper Busch told how he had seen Fassnacht take something from a pocket and drop it into Deickler's beer. When Deickler drank the beer he fell from the chair to the floor and died in a few minutes. The whitish lump which Busch took from Deickler's glass and turned over to the police and which proved to be cyanide of potassium, was exhibited in court. A dector sium, was exhibited in court. A doctor who examined it said it was sufficient to

kill five elephants.

Fassnacht denied all knowledge of the poisoning, but he was held to await the action of the Coroner. Boyce was also remanded. Fassnacht was released ten days ago from the Kings County Penitentiary after serving a six months' term for stealing a horse. He is 20 years old and his parents live at 1226 De Kalb av sue At the time of his arrest for stealing the horse the sergeant who took Fassnacht's pedigree Do you know what I think about you?

If you don't reform, your end will be a To this Fassnacht is said to have replied: "Maybe I will land there.

PROTECTORY WARNS OFF POLICE. Sunday Baseball Arrests on the Grounds Oppression?-Lawyer Called In.

Capt. Edward Walsh of the Westchester police was warned yesterday by counsel for the Catholic Protectory that if he persisted in arresting Protectory boys for playing ball on Sunday action might be taken against him, charging him with

oppression. Hermann Fromme is the counsel for the Catholic Protectory. He said yesterday that the baseball game at the Protectory on April 27 had been given up because the police threatened to make arrests if it started. He then advised the Brothers to have the boys play ball on the next In the meantime three boys playing on

Sunday as though nothing had happened. the grounds of a man named Kerney, near the Protectory, were arrested on April 27. Kerney had given them permission to play there. They were not Protectory boys and Kerney felt so much interested in their predicament that he had his counsel. who happened to be Mr. Fromme, defend them when they were arraigned before Magistrate Brann the next day

Magistrate Brann discharged them and said that the police acted foolishly in making the arrests. Mr. Fromme accordingly wrote to Capt. Walsh, telling him that the Court had repudiated the arrest, and saying that the captain would be held to account if such arrests were repeated

When the boys who were arrested in the Protectory grounds on Sunday were ar-raigned before Magistrate Meade yesterday the Magistrate said that in view of the action by Magistrate Brann in exactly simi-lar cases the week before he thought the arrests were absolutely uncalled for Walsh said he had referred Mr. Fromme's warning to Police Headquarters and that the Commissioner had told him to disregard

it altogether.

In the case of the People vs. Dennin,
Justice Barnard held that in the case of boys playing ball on private property with the permission of the owner on Sunday there was no infraction of the law unless the ball playing was so done that the peace of the day was disturbed. Mr. Fromme points out that the Protectory grounds are fenced and that the boys have the full authority of the Protectory authorities to engage in

Mr. Fromme said that the crusade of the Mr. Fromme said that the crusade of the Westchester police against all forms of Sunday recreation is brought about by the pressure exerted on Col. Partridge by the Sabbath Committee, an organization of ministers of evangelical Churches who have their headquarters in the Bible House.

For I ip's Bay Day Narsery.

There are to be music and afternoon tea on Thursday, May 8, from 3:30 until 6:30, at the residence of Mr. and Mrs. Gustav H. Schwab, 31 West Forty-seventh street The entertainment is for the benefit of the Kip's Bay Day Nursery, which is being started in East Forty-first street at the request of the Seventh Division of the Charity Organization Society, it having been found that a nursery in this neigh borhood was very much needed. The en-tertainment on Thursday is to be a "con-tinuous performance." the music to g. tinuous performance," the music to go on constantly for three hours, and the guests to come and go as at an afternoon tea. There will be music by about twenty well-known artists, who have kindly vol-unteered their services.

Mrs. Soffei Admits Guitt.

PITTSBURG, May 5 -Mrs Kate Soffel entered a pieu of guilty this morning to the escape of Ed and Jack Budle from to Allegheny County Juli, of which her husband. was warden at the time. She will be taken into court to at Saturday for continue.

Mrs. Softel came into the court to m with her physician. In the G. Briggs She was dressed in a white thirty wais, a black shirt with a bong train, and had a new opting.

But if the latest chape.

BESTED DRINK HABIT, SHE SAYS. Alma Louise Larner and Her Young Hus

band Ask For Her Liberty. Alma Louise Coddington Fellows Larner tried before Justice Gildersleeve and a jury in the Supreme Court vesterday to show that she has recovered her self-control, can avoid liquor and can care for herself and her estate of about \$200,000, which is in the hands of a committee. She has married three times, is 46 years old. and was in court with her third husband, Albert E. Larner, about half her age, who joins in her plea for release. Mrs. Larner's incompetence is entirely due to drink.

Asked what she had to say about a suit of her daughter to set aside the marriage to Larner, the witness said: "I am oldto Larner, the witness said: "I am old-fashioned about somethings and I act as

Mrs. Larner says that she is sure she can keep from drink now because she has nothing to trouble her. She denied that she had escaped from a Long Branch hotel in a night gown and that she was caught running across the lawn and calling for a drink. The case went over to to-day.

TO STOP IRISH CARICATURES Movement to Suppress Burlesques on the

Stage and in Newspapers. New Haven, Conn., May 5 .- Senator

James P. Bree of this city, National Secretary of the Ancient Order of Hibernians, to-day, in discussing the movement among Irish-American societies for the suppression if possible, of the caricatures of the Irish race on the stage and in pictorial papers.

"There is hardly a meeting of an Irish-American society at which the subject is not discussed. The agitation is for the education of the people. We recognize that fact that theatrical managers strive to give the people what they want and that these caricatures of the race would not be esented did not the people applaud them, e must not be considered as oversen-ive. What we object to is such characerizations as exploit the worst features of the race and make capital of the failings of human nature and ascribe them wholly to a type of Irishmen which does not exist. An Irishman can stand a joke just as well as any other nationality, but he does not enjoy jokes that belittle his race."

SHERRY TAXES SHERIFF'S BILL. 832.50 for Collecting 838 -Has Some of the Items Cut Out.

Newell & Bechhold, attorneys for Louis Sherry in the action which resulted in the seizure and sale for debt of the trunks of "Capt." Edward Methuen Marshall, have had a dispute with the Sheriff over the bill rendered on account of the sale. The amount realized was \$38 and the bill of costs was \$32.50. Among the items were advertising, \$5; labor, \$5, and storage fees, \$12

Mr. Newell made an investigation and says that he found that the advertising charge was a \$3.50 overcharge, the storage charge a very high one, and the labor charge wholly unjustified. He says that the Sheriff's office corrected these mistakes and is now investigating all charges. Sheriff O'Brien said that he investigated all bills and that no extraordinary investi-

THREE DROWNED IDENTIFIED. Bodies of a Woman and Two Men Recognized at the Morgue.

gations were going on now.

Three bodies which have been taken from the rivers in the past two days were identified yesterday at the Morgue. The woman who wore a ring marked

F. M.," who was found on Sunday at the foot of West Seventy-sixth street, was Fannie Maras, a widow, of 343 East Fiftyfirst street. According to her son, who identified the body, she was slightly demented and had been missing since Feb-

uary.
The body of an elderly man, found at the foot of East Tenth street on Saturday, was that of Christian Knepler, a baker. was that of Christian Knepler, a baker. He had been missing two days.

A man's body found in the North River off Fifty-sixth street on Saturday was recognized as that of William Lyles, a laborar of 118 Thenh avenue.

laborer of 116 Tenth avenue Kristeller Accused of Perjury.

Frederick W. Kristeller, formerly cashier the Internal Revenue Collector's office in Brooklyn, was indicted by the Federal Grand Jury yesterday charged with perjury during the recent trial before Judge Thomas in the United States District Court. Kristeller was indicted for embezzlement. it being charged that he had stolen document stamps valued at \$1,800 by cutting them from the centre of the package and them from the centre of the package and using the proceeds to cover up a shortage in stamps of other denominations. He was acquitted. During the trial he denied having signed certain papers confessing to having taken \$2,345.52 from Theodore Schmidt while in his employ. It is alleged that in making this denial he committed provides.

> Do not dose with pills and potions. they irritate the stomach and wreck the nerves.

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keeps the entire system in healthy working order.

Insist upon Johann Hoff's Extract and take mone of the cheap substitutes othered as "just as good." They have not ing but their cheapiness to recommend them.

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CAMPET CLEANSING

Nature Smiling

While Thousands Suffer.

Paine's Celery Compound

The Great Spring Health Giver Makes Sick People Well.

A Prominent Clergyman Tells How He Escaped from His Deadly Perils.

When spring comes, with its gentle showers, its balmy air, its bright sunshine and bursting buds, it too often brings to our homes scenes of suffering and physical

The seeds of disease which were imperceptibly germinating during the winter months have developed and planted in the system dangers that now call for our instant care and attention. Neglect and procrasti-nation will only deepen existing perils and lead to death.

lead to death.

Defore the advent of spring you must have noted symptoms, perhaps of indigestion, dyspepsia, rheumatism, neuralgia, kidney disease, liver complaint, functional irregularities or nervous disorders.

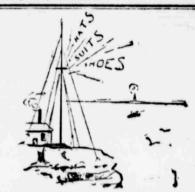
Take warning, sufferers! the symptoms you experience are signals of disease. Delay not another day; hesitation and indicision on your part may forever seal your

cision on your part may forever seal your fate. If you have already made efforts to banish your troubles by the use of other medicines and the treatment of physicians, and these have failed, we counsel you to put your full trust in that great disease banisher, and these have falled, we counsel you to put your full trust in that great disease banisher, Paine's Celery Compound. Its use for a week or two will convince you that you have truly commenced a new existence. Rev. W. E. Aldridge, a leading and promi-nent clergyman of Birmingham, Ala., says: says:
"I had been afflicted for ten years with

what I thought to be heart disease, but, after having the physicians examine me. I learned that I was almost dead from indigestion They told me they could give me medicine They told me they could give me medicine that would relieve me, but there was no permanent cure. Then I began using Paine's Celery Compound, which gave me immediate relief, and I am now well and enjoying good health. I can recommend Paine's Celery Compound to be the best imedicine for all allments; if people will use the Compound freely, they will have no doctors' bills to pay." doctors' bills to pay.

Diamond Dyes are the simplest dyes made. Deserters Capture a Sentry With His Own Gun.

CHICAGO, May 5.-Two prisoners at Fort Sheridan yesterday sprang upon the sentry who was guarding them and disarmed him. Then they tied his hands, put a gag in his mouth and at the point of his own gun marched him almost to High-land Park and there turned him loose land Park and there turned him loose, while they fied. The prisoners were A. F. Butterfield and Robert Hagdon and they were sentenced for two and three years. respectively, for desertion. George Smith, a private in the Ninth Battery, was the sentry they attacked.



All that shivers catches cold. Light weight overcoats, \$15 to \$35.

Summer suits ready for critical scrutiny; \$15 to \$35. Suits for the most critical of

all scrutinizers - young men;

\$14 to \$22. The road to comfort is paved with negligee shirts, and our stock leaves no stone unturned

that'll help you along the way.

There's a heap of good styles

to choose from Speaking of low shoes, have you seen the Blucher-Oxfordit's a bit out of the ordinary.

Calf \$3.50 and \$5, patent leather \$5 and \$5.50. Thirty-five years of victory on

the soft hat field have won for Stetson a world-wide reputation. Stetson's soft hats in all the newest shapes; 85.

All the other good sorts of soft hats.

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